

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MARK MONDRAGON, o.b.o. D.M.,
a minor child,**

Plaintiffs,

vs.

Case No. 1:21-cv-00427 KK/JMR

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and
GEORGE ARCHULEETA, in his individual and official capacity,**

Defendants.

and

**SARAH MONTOYA, o.b.o L.M.,
a minor child,**

Plaintiffs,

vs.

Case No. 1:21-cv-00648 KK/JMR

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION and
GEORGE ARCHULEETA, in his individual capacity,**

Defendants.

and

**ANGELA SALAZAR, o.b.o J.M.,
a minor child,**

Plaintiffs,

vs.

Case No. 1:21-cv-00751 KK/JMR

**RIO RANCHO PUBLIC SCHOOLS BOARD OF EDUCATION, and
GEORGE ARCHULEETA, in his individual capacity, and
JOHN DOE # 1, in his individual capacity,**

Defendants.

**DEFENDANT GEORGE ARCHULETA’S UNOPPOSED MOTION TO
STAY DISCOVERY PENDING DETERMINATION ON
DEFENDANT ARCHULETA’S MOTION FOR SUMMARY JUDGMENT
ON BASIS OF QUALIFIED IMMUNITY ON COUNT I**

COME NOW Defendant George Archuleta (hereinafter “Defendant Archuleta”), by and through counsel, Quiñones Law Firm LLC (Carlos M. Quiñones, Esq.), and hereby files this Unopposed Motion to Stay Discovery Pending a Determination on Defendant Archuleta’s Motion for Summary Judgment on the Basis of Qualified Immunity on Count I, filed September 11, 2023 (Doc. # 66). Counsel for Plaintiffs was contacted regarding this Motion and Plaintiffs do not oppose it. In support of this Unopposed Motion to Stay Discovery, Defendant Archuleta states as follows:

1. Defendant Archuleta filed his Motion for Summary Judgment on the Basis of Qualified Immunity on Count I on September 11, 2023. (Doc. # 66).
2. Qualified immunity is “an entitlement not to stand trial or face the other burdens of litigation” if the complained of behavior did not violate clearly established law. *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).
3. Qualified immunity not only protects a defendant from liability, but also from the burdens of trial, including discovery. *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).
4. Therefore, once a qualified immunity defense is raised, a defendant is entitled to a stay of discovery. *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 1946 (2009); *Mitchell*, 472 U.S. at 526; *Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004); *Workman v. Jordan*, 958 F.2d 332, 335-336 (10th Cir. 1992).

5. Accordingly, Defendant Archuleta respectfully requests the Court stay discovery until there is a determination with regard to Defendant Archuleta's qualified immunity defense.

6. Plaintiffs' counsel was contacted regarding this Motion to Stay Discovery and Plaintiffs do not oppose the relief requested herein.

CONCLUSION

WHEREFORE, Defendant Archuleta respectfully moves this Court for entry of an Order staying discovery pending a determination on Defendant Archuleta's Motion for Summary Judgment on the Basis of Qualified Immunity on Count I (Doc. 66), and for such other and further relief as the Court may deem just and appropriate.

Respectfully submitted,

QUIÑONES LAW FIRM LLC

By: Electronic Signature /s/ Carlos M. Quiñones
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It is hereby certified that undersigned counsel filed the foregoing electronically through the CM/ECF system on September 15, 2023, which caused the following counsel to be served by electronic means:

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